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RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION

Written statement* submitted by The International Movement against All Forms of Discrimination and Racism (IMADR), a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Standing Invitations to Thematic Human Rights Mechanisms

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

The International Movement against All Forms of Discrimination and Racism (IMADR) recognises that the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR) was a ground-breaking one, addressing important issues, including: Roma and Sinti; Palestine; the intersection of gender and racism; colonialism; slavery and slave-trade, and indigenous peoples, paying particular attention to the historical context of these complex issues. It was also notable in that both individuals and states participated in the deliberations of the inter-governmental Conference. Emphasising that issues raised at WCAR must continue to be discussed, IMADR commends WCAR for providing opportunities that can promote solutions to these matters.

We welcome WCAR's recognition of the necessity of taking measures that carry financial implications in order to combat racism – measures such as affirmative action and human rights education. The need for careful monitoring of the follow-up processes not withstanding, we welcome WCAR's recommendations, which can produce good results if properly implemented.

IMADR, however, wishes to draw to the attention of the Commission on Human Rights the following subjects of primary concern:

• **Colonialism, Slavery and Slave-trade**

While welcoming the extensive discussion of the subject and the recognition in the Declaration that slavery and the slave-trade constitute crimes against humanity, we regret the western governments' failure to make an explicit apology for the victims of colonialism, slavery, and the slave-trade on the part of those states that were involved in such practices.

We are also concerned that the measures proposed in the Programme of Action for the economic and social development of countries affected by the past wrongs do not transcend the existing framework of development. They fail both to consider whether this framework will help eradicate racial discrimination suffered by peoples in affected countries and to specify an implementation plan for the proposed measures. We urge governments to continue dialogue on other forms of reparations, and to start discussing the implementation of agreed-upon measures to the best benefit the affected peoples.

• **Middle East**

The alarming situation in Israeli-occupied Palestine requires urgent attention and discussions as an issue of racism and racial discrimination. We regret the US and Israeli governments' withdrawal from the WCAR over this issue as well as the reportedly intolerant and uncivil actions of certain NGOs. While being critical of violent or intolerant acts intended to stifle the expression of opposing positions, we note that the tensions accompanying debates on the subject indicate the graveness of the situation and the feeling of hopelessness on the part of these victims of racial discrimination. The international community must condemn grave human rights violations and systematic discrimination on the basis of race, national and ethnic origin, descent, or other status wherever they occur. We urge close monitoring of the situation in the Middle East from the perspective of human rights and non-discrimination.

• Discrimination based on Work and Descent

Discrimination based on work and descent exists all over the world and affects millions of people, including Dalits in the South Asia and Buraku people in Japan. We deeply regret that this form of discrimination was not addressed in the final Declaration and Programme of Action. During the preparatory process, a paragraph was introduced to the Draft Programme of Action urging states to take measures, including affirmative action, to prohibit and redress this form of discrimination and demanding that such measures be respected and implemented by all state authorities at all levels. The paragraph was not adopted, despite the support expressed by many countries to retain it in the document. Discrimination based on descent is a form of 'racial' discrimination prohibited by the International Convention on the Elimination of All Forms of Racial Discrimination. The UN Sub-Commission on the Promotion and Protection of Human Rights passed a resolution in August 2000, condemning discrimination based on work and descent. The international community must continue its efforts to eliminate this form of discrimination.

• Intersection of Gender and Racism

We welcome WCAR's acknowledgement of the intersection of gender and racism and its recommendation urging States to mainstream a gender perspective in the design and development of prevention, education, and protection measures aimed at the eradication of racism. However, we regret that the Conference addressed the concept of multiple discrimination and the question of identifying victims only at an abstract level, failing to produce any action-oriented measures. Governments around the world are encouraged to develop national action plans, accompanied by investigations to clarify the situations faced by women from discriminated groups. Monitoring and follow-up mechanisms must be established in accordance with international human rights standards and include concrete and practical measures and effective remedies to eradicate multiple forms of discrimination. We urge the UN and governments to analyse the systems and practices that cause and support multiple forms of discrimination against women belonging to discriminated social groups. These include patriarchy, religious intolerance, the caste system, the judicial system, culturally embedded forms of racial and sexual discrimination, homophobia, trafficking, colonialism, slavery, slave trade, economic gaps between the North and the South, globalization, armed conflicts, and those traditional and customary practices that women have sought to abolish.

• Indigenous Peoples

We welcome the Declaration and Programme of Action's recognition that indigenous peoples are major victims of racism and discrimination today and that their human rights deserve special attention. However, we regret the notable lack of interest among governments concerning issues and demands brought up by indigenous peoples. The approved text of the final Declaration refers to the "rights of indigenous peoples" in paragraphs 22-24, yet adds the caveat that the use of this term "is in the context of, and without prejudice to the outcome of, ongoing international negotiations on texts that specifically deal with this issue, and cannot be construed as having any implications as to rights under international law." This text, by denying any implications to the negotiations pertaining to the draft Declaration on the Rights of Indigenous Peoples, and maintaining that the *right of peoples to self-determination does not apply to indigenous peoples*, has understandably alienated and angered indigenous peoples present at the WCAR. IMADR regrets that indigenous interests were not addressed with the seriousness that they deserve and that they were also dwarfed by the attention given to other issues of a more widely acknowledged political nature.

• **Globalisation and Racism**

Globalisation is intimately intertwined with racism, racial discrimination, xenophobia and related intolerance. Its speculative mega-competition over the distribution of wealth and information widens the gaps between the 'haves' and the 'have-nots', increasing the socio-economic insecurity of vulnerable groups. It also emphasizes small government, reducing the availability of public goods to the vulnerable social groups and categories. The effects of globalisation, especially in its neo-liberal form, require a plan of action that redresses its negative impacts and increases the socio-economic security of those who suffer these impacts.

We therefore regret that the Inter-Governmental Declaration touches on "Globalization" in Para. 7 merely as a "powerful and dynamic force," failing to produce any strategy of action. In recognising the need for the international community to deploy global action against the negative effects of neo-liberal globalization, we would like to draw your attention to the NGO Document, which provides a good basis for much-needed action. The Document provides:

a) a definition that stresses how globalisation is a continuation of colonial and imperial control, concentrating power in the hands of powerful Western nations and multinational corporations and imposing biased policies of structural adjustment, riticized on, trade liberalization, and unequal terms of trade;

b) a rich plan of action, which addresses the need to develop a plan of action for young people exploited by globalization, opposes punitive actions against community expressions against the discriminatory effects of globalization, protects the intellectual property rights of indigenous people, redresses current unequal distribution of resources, provides financial aid, and supports "humanitarian business" and the enhancement of "corporate social responsibility."

Recognising the need to temper the profit-driven interests of the private sectors by the state, supported by a democratic and broad social consensus, we urge governments to work with the NGO community in addressing issues raised in the above NGO Document.

Towards a future dialogue

It is an undeniable fact that the WCAR Declaration and Programmes of Action attracted many criticisms, particularly in relation to its failure to address certain issues, as briefly mentioned in this statement. The NGO documents were also criticized for their affective language in dealing with the same issues. However, we believe that these problems were unavoidable consequences of the difficult dialogues that took place, both at the governmental and the NGO levels, with the participation of the victims.

Unlike the previous UN conferences, WCAR will require a more imaginative follow-up that allows for continuous dialogue, among governments and NGOs, on all the issues taken up in Durban. With such relationships based on cooperation, it is hoped that WCAR will serve as a starting point for dialogues leading to reconciliation between all parties affected by the global problems of racism, racial discrimination, xenophobia and related intolerance.